

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**

Docket No.  
**140525**

In Re Application Of: Miller et al.

Application No. <b>10/707,775</b>	Filing Date <b>January 12, 2004</b>	Examiner <b>John Fernando Ramirez</b>	Customer No. <b>23413</b>	Group Art Unit <b>3737</b>	Confirmation No. <b>1774</b>
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Invention: **RESPIRATORY MEASUREMENT SYSTEM AND METHOD RELATED THERETO**



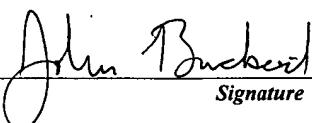
**COMMISSIONER FOR PATENTS:**

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **April 24, 2006** finally rejecting Claim(s) **1-20**

The fee for this Notice of Appeal is: **\$500.00**

- A check in the amount of the fee is enclosed.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **07-0845**
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
*John F. Buckert*  
Signature

Dated: **July 24, 2006**

**John F. Buckert**  
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CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on **July 24, 2006**

(Date)

  
\_\_\_\_\_  
*Cathy J. Perez*  
Signature of Person Mailing Correspondence

**Typed or Printed Name of Person Mailing Correspondence**



July 24, 2006

**Via First Class Mail**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: United States Patent Application  
Inventor: Miller et al.  
Entitled: RESPIRATORY MEASUREMENT SYSTEM AND  
METHOD RELATED THERETO  
Serial No. 10/707,775  
Filed: January 12, 2004  
Attorney Docket No: 140525

Sir:

We enclose herewith:

[X] Notice of Appeal From The Primary Examiner To The  
Board of Patent Appeals and Interferences (Large Entity)  
[X] Acknowledgment Postcard

The Commissioner is hereby authorized to charge payment of the fees  
associated with this communication or credit any overpayment to Deposit  
Account No. 07-0845.

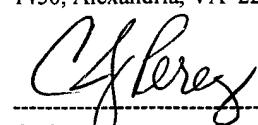
Applicant hereby petitions under 37 CFR 1.136 and other applicable rules  
to have the response period extended the number of months necessary to  
render the attached communication timely in the event a petition is  
required.

Respectfully submitted,

  
John F. Buckert

Reg. No. 44,572

I hereby certify that this paper is being deposited with the United States Postal Service via first  
class mail, postage prepaid, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450, on July 24, 2006.

  
Cathy J. Perez